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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,872	05/30/2001	Masami Tabata	1232-4719	9001
27123	7590	04/08/2004	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 345 PARK AVENUE NEW YORK, NY 10154			SAFAIPOUR, HOUSHANG	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,872

Applicant(s)

TABATA, MASAMI

Examiner

Houshang Safaipoor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakamura et al. (U.S. Patent No. 5,969,343).

Regarding claim 1, Nakamura et al. discloses an illumination device which comprises a light source and a light guide member having an entrance surface for receiving light coming from the light source, an exit surface for outputting light in an illumination direction, and a diffusion region for reflecting and/or diffusing an incoming light beam across a longitudinal direction, comprising diffusion means inserted in an optical path of light which is emitted by the light source and enters the entrance surface (col. 14, lines 17-35).

Regarding claim 2, Nakamura et al. discloses the device according to claim 1, wherein

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said device comprises a plurality of light sources, and said diffusion means is common to light beams coming from the plurality of light beams (col. 22, lines 32-67).

Regarding claim 3, Nakamura et al. discloses the device according to claim 1 wherein said diffusion means comprises a light diffusion surface formed on the entrance surface (col. 3, lines 7-17).

Regarding claim 4, Nakamura et al. discloses the device according to claim 1, wherein said diffusion means comprises a three-dimensionally patterned surface formed on the entrance surface (col. 3, lines 45-57).

Regarding claim 5, Nakamura et al. discloses the device according to claim 1, wherein said diffusion means comprises a three-dimensionally patterned surface formed on a surface of a resin which covers the light source (col. 15, line 51 through col. 16, line 6).

Regarding claim 6, arguments analogous to those presented for claim 5 are applicable to claim 6.

Regarding claim 7, Nakamura et al. discloses the device according to claim 2, wherein the plurality of light sources are integrally packaged (col. 22, lines 32-66).

Regarding claim 8, Nakamura et al. discloses the device according to claim 2, wherein the plurality of light sources comprise LEDs (col. 22, lines 32-66).

Regarding claim 9, Nakamura et al. discloses the device according to claim 8, wherein the plurality of LEDs have different emission wavelengths (col. 22, lines 32-66).

Regarding claim 10, Nakamura et al. discloses the device according to claim 9, wherein the plurality of LEDs respectively have red, green, and blue emission wavelengths (col. 22, lines 32-66).

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Regarding claim 11, Nakamura et al. discloses an image sensor comprising an illumination device cited in claim 1, a lens for imaging optical information at a read position, and a photoelectric conversion element for receiving an optical image formed by said lens, and converting the optical image into an electrical signal (fig. 28).

Claim Rejections - 35 USC § 112

Claims 12 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites “driving means for changing relative position **between** the image sensor and an object to be read”.

Referring to fig. 9 (also page 20 of the specification), image sensor 200 travels in sub-scan direction and therefore the relative position between the sensor and the document remains unchanged.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipoor whose telephone number is (703)306-4037. The examiner can normally be reached on Mon.-Thurs. from 6:30am to 5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L Coles, Sr. can be reached on (703)305-4712.. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Houshang Safaipoor
Patent Examiner
Art Unit 2622
April 1, 2004


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SUPERVISORY PATENT EXAMINER
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